

COMMITTEE AMENDMENT FORM

DATE: 03/31/10

COMMITTEE ZONING PAGE NUM(S)

ORDINANCE I. D. #10-O-0039 SECTION (S)

RESOLUTION I. D. #10-R- PARA.

**AMENDS THE LEGISLATION BY ADDING FOUR (4)
CONDITIONS ONE (1) OF WHICH IS A SITE PLAN DATED
RECEIVED BY THE BUREAU OF PLANNING 12/30/09.**

AMENDMENT DONE BY COUNCIL STAFF 03/31/10.

City Council
Atlanta, Georgia

10-O-0039

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-09-38
Date Filed: 10-13-09

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **2815-2839 PEACHTREE ROAD, N.E.** be changed from the C-1 C (Community Business-Conditional) District to the C-1 C (Community Business-Conditional) District, for the purpose of a change in conditions, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 100, 17th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

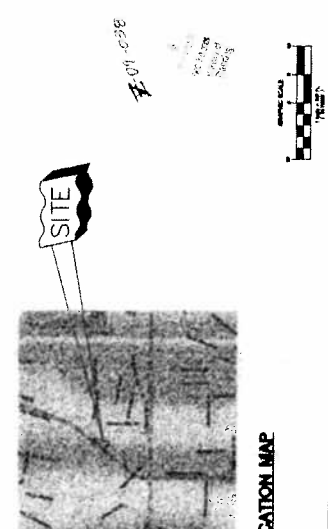
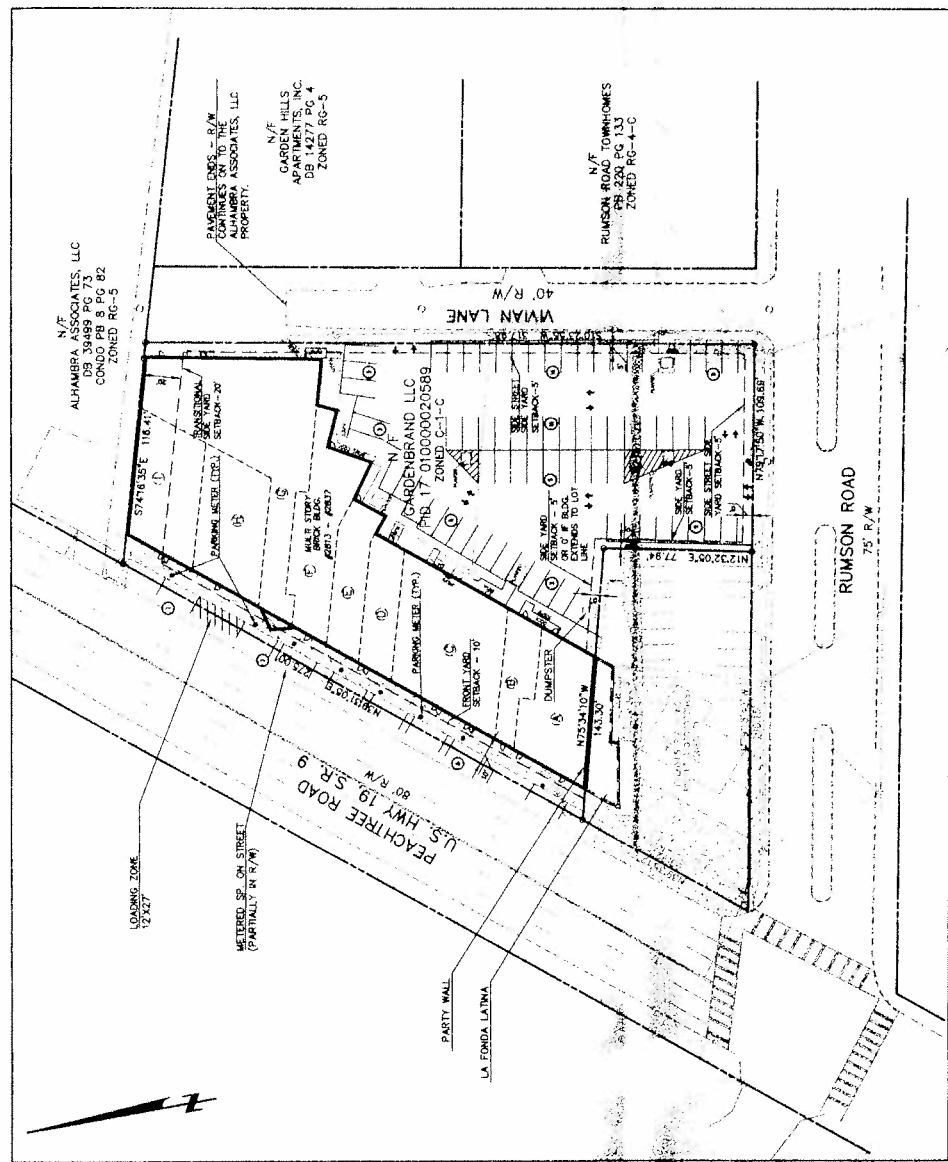
SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Conditions for Z-09-38 for 2815-2839 Peachtree, N.E.

1. A site plan entitled "2815 Peachtree Road" by Pharr Engineering dated 12/19/08, last revised 12/28/09 and marked received by the Bureau of Planning December 30, 2009.
2. Businesses located within the shopping center shall not be open for business between the hours of 12:00 a.m. (midnight) and 7:00 a.m.
3. No off-premises advertising signs shall be permitted on the premises.
4. The following uses shall be prohibited:
 - a. Churches, synagogues, temples, mosques and other religious worship facilities more than 10,000 s.f.;
 - b. Commercial greenhouses;
 - c. Commercial recreation establishments, consisting of bowling alleys, convention halls, places of assembly and similar uses with primary activities conducted within fully enclosed buildings, however theatres of no more than 10,000 square feet shall be a permitted use;
 - d. Hospitals;
 - e. Laundry and dry cleaning, collection stations or plants; limited to no more than 5,000 s.f. of floor area; laundry and dry cleaning establishments where equipment is operated by customers;
 - f. Multifamily dwelling, two family dwellings and single-family dwellings;
 - g. Parking structures and lots, other than park-for-hire facilities;
 - h. Service stations and car washes;
 - i. Servicing and repairing new vehicles and dealing in the disposal, servicing or repairing of used vehicles in connection therewith and all located on the same site;
 - j. Structures and uses requiring for operation of MARTA or public utility but not including uses involving storage, train yards, warehousing, switching or maintenance shop as the primary purposes; and
 - k. Supportive housing.



RECEIVED
 DEC 30 2008
 Bureau of
 Planning

- NOTES**
- CURRENT ZONING IS C1C.
 - PROPOSED ZONING IS C1C.
 - REFERENCE DRAWINGS INCLUDE:
 - TRULY INSURANCE COMPANY PREPARED BY ROBERTSON & ASSOCIATES, INC. DATED 04/20/07 AND LAST REVISED 09/10/07
 - PHOTOGRAPHY BY PHOTOMETERING, INC. DATED 09/10/07
 - DATUM COUNTY TAX ASSESSORS' RECORDS
 - AVERAGE BUILDING HEIGHT IS 21 FEET.
 - SITE IS A GRADY-THATCHED NON-CONFORMING LOT.

SITE DATA

SITE AREA = 53,916 SF = 1.24 AC
 BUILDING SIZE = 22,786 SF GLA
 PARKING PROVIDED = 71 SPACES OFF-STREET AND 8 ON-STREET SPACES.

SITE PLAN SPECIFICATIONS		
Item	Value	Comments
Zoning Classification - Current	C1C	
Zoning Classification - Proposed	C1C	
Building Square Footage	22,786	
Height of Building	21 ft	
Net Land Area	53,916 sf	
Floor Area Ratio - Max. Allowed	2.0	
Floor Area Ratio - Actual	0.42	
Lot Coverage - Actual	86.53%	
Number of Parking Spaces Requested	79	
Number of Parking Spaces Provided	79	

LEASE AND PARKING SUMMARY		
Area, sf	Use	Parking Ratio Req. Per Spacing
12,086	Retail	1 sp/2500 sf
4,100	Restaurant	1 sp/100 sf
6,590	Theater	1 sp/100 sf
22,786		165

City Council
Atlanta, Georgia

10-0-0039

AN ORDINANCE

BY:

Z-09-38

Date Filed: 10-13-09

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ALL THAT TRACT or parcel of land lying and being in Land Lot 100, 17th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

LEGAL DESCRIPTION

Z-09-38

All that tract or parcel of land lying and being in Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point marked by a 1" pipe located at the intersection of the northwesterly right of way line of Rumson Road with the westerly right of way line of Vivian Lane (40' R/W); continue thence along the aforesaid right of way line of Rumson Road North 79 degrees 17 minutes 50 seconds West a distance of 109.69 feet to a point marked by a 1" pipe; leaving the aforesaid right of way line run thence North 12 degrees 32 minutes 05 seconds East a distance of 77.94 feet to a point marked by a 1/2" rerod; run thence North 75 degrees 34 minutes 10 seconds West a distance of 143.30 feet to a point marked by a pk nail set located on the southeasterly right of way line of Peachtree Road (80' R/W); continue thence along the aforesaid right of way North 39 degrees 31 minutes 05 seconds East a distance of 275.00 feet to a point marked by a pk nail set; leaving the aforesaid right of way line run thence South 74 degrees 16 minutes 35 seconds East a distance of 116.41 feet to a point marked by an iron pin found located on the westerly right of way line of Vivian Road; continue thence along the aforesaid right of way line South 10 degrees 23 minutes 55 seconds West a distance of 317.98 feet to a point marked by a 1" pipe located at the intersection of the northwesterly right of way line of Rumson Road with the westerly right of way line of Vivian Lane, said point being the TRUE PLACE OR POINT OF BEGINNING.

RECEIVED
OCT 13 2009
Bureau of
Permitting

RCS# 3425
11/16/09
2:54 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

09-O-2021, 09-O-2022, 09-O-2023, 09-O-2024
09-O-2025, 09-O-2026, 09-O-2027, 09-O-2028
REFER ZRB/ZONE

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

09-0-2022

(Do Not Write Above This Line)

Z-09-38

An Ordinance to rezone from the C-1 C(Community Business-Conditional) District to the C-1 C(Community Business-Conditional) District, for the purposes of a change of conditions, property located at 2815-2839 Peachtree road, N.E.. The property fronts 275 feet on the southeasterly side of Peachtree Road beginning 99.92 feet from the northwest corner of Rumson Road. Depth: varies. Area: 1.24 acres. Land Lot 100. 17th District, Fulton County, Georgia. OWNER: GARDENBRAND, LLC. APPLICANT: GARDENBRAND, LLC. NPU-B COUNCIL DISTRICT 7

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER

Date Referred

11/16/2019

Referred To:

2809/2019

First Reading

Committee

Date

Chair

11/16/2019
Gardenbrand

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

Refer To

COUNCIL ACTION

☐ 2nd

☐ 1st & 2nd

☐ 3rd

Readings

☐ Consent

☐ V Vote

☐ RC Vote

CERTIFIED

MAYOR'S ACTION